

HOUSE BILL 122

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2lr0386
CF SB 139

By: **Delegates Aumann, Szeliga, Holmes, Afzali, Bates, Beitzel, Boteler, Burns, Cluster, Conway, DeBoy, Eckardt, Frank, Frush, Gaines, George, Glenn, Guzzone, Haddaway–Ricchio, Hogan, James, Kach, Kaiser, Kipke, Krebs, Lafferty, McComas, McConkey, McDermott, McDonough, Minnick, Morhaim, Norman, Ready, Schulz, Sophocleus, Stocksdales, Vitale, Washington, and Wood**

Introduced and read first time: January 20, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Death or Disappearance of Minor – Required Reporting and**
3 **Prohibited Acts**
4 **(“Caylee’s Law”)**

5 FOR the purpose of requiring a parent or other person who has permanent care or
6 custody or responsibility for the supervision of a minor to notify, under certain
7 circumstances and within certain periods of time depending on the age of the
8 minor, the appropriate law enforcement agency that the minor is missing;
9 requiring a parent or other person who has permanent care or custody or
10 responsibility for the supervision of a minor to notify, within a certain period of
11 time, an appropriate law enforcement agency or medical authority that the
12 minor has died; prohibiting a parent or other person who has permanent care or
13 custody or responsibility for the supervision of a minor who has died from
14 knowingly engaging in certain conduct; establishing certain penalties for a
15 violation of this Act; and generally relating to conduct following the death or
16 disappearance of a minor.

17 BY adding to
18 Article – Criminal Law
19 Section 3–608 through 3–610
20 Annotated Code of Maryland
21 (2002 Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Criminal Law

2 **3-608.**

3 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
4 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO IS
5 UNDER THE AGE OF 13 YEARS SHALL NOTIFY THE APPROPRIATE LAW
6 ENFORCEMENT AGENCY THAT THE MINOR IS MISSING WITHIN 24 HOURS OF
7 BECOMING AWARE THAT THE MINOR IS MISSING.

8 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS
10 OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

11 **3-609.**

12 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
13 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO IS OVER
14 THE AGE OF 12 YEARS SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT
15 AGENCY THAT THE MINOR IS MISSING WITHIN 48 HOURS OF BECOMING AWARE
16 THAT THE MINOR IS MISSING IF:

17 (1) THE MINOR SUFFERS FROM A MENTAL OR PHYSICAL
18 HANDICAP OR ILLNESS;

19 (2) THE DISAPPEARANCE OF THE MINOR IS OF A SUSPICIOUS OR
20 DANGEROUS NATURE;

21 (3) THE PARENT OR OTHER PERSON HAS REASON TO BELIEVE
22 THAT THE MINOR HAS BEEN ABDUCTED; OR

23 (4) THE MINOR PREVIOUSLY HAS BEEN THE SUBJECT OF A CHILD
24 ABUSE REPORT FILED WITH A STATE OR LOCAL DEPARTMENT OF SOCIAL
25 SERVICES OR LAW ENFORCEMENT AGENCY.

26 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
27 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
28 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

29 **3-610.**

30 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
31 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR SHALL

1 REPORT THE DEATH OF THE MINOR TO THE APPROPRIATE LAW ENFORCEMENT
2 AGENCY OR MEDICAL AUTHORITY WITHIN 1 HOUR OF BECOMING AWARE OF THE
3 DEATH UNLESS THE DEATH WAS ATTENDED BY A PHYSICIAN.

4 (B) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
5 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO HAS
6 DIED MAY NOT KNOWINGLY:

7 (1) MAKE FALSE OR MISLEADING STATEMENTS ABOUT THE
8 DEATH TO LAW ENFORCEMENT PERSONNEL;

9 (2) REFUSE TO MAKE MEDICAL OR OTHER INFORMATION THAT IS
10 PERTINENT TO AN INVESTIGATION OF THE DEATH AVAILABLE TO LAW
11 ENFORCEMENT PERSONNEL; OR

12 (3) ENGAGE IN ANY CONDUCT WITH THE INTENT TO IMPEDE AN
13 INVESTIGATION OF THE DEATH BY ALTERING EVIDENCE, INCLUDING
14 DISTURBING THE BODY OR THE AREA SURROUNDING THE BODY.

15 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
16 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS
17 OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.